

February 11, 2003

Exemption No. 7631A
Regulatory Docket No. FAA-2001-10356

Colonel Allen S. Baker
Commander
U.S. Army Aeronautical Services Agency
9325 Gunson Road, Suite N319
Fort Belvoir, VA 22060-5582

Dear Colonel Baker:

During a review of Exemption No. 7631, issued to the United States Army Special Operations Command (USASOC), 160th Special Operations Aviation Regiment, the FAA discovered errors in the current exemption that it is correcting. Exemption No. 7631 from §§ 91.177(a)(2) and 91.179(b)(1) of Title 14, Code of Federal Regulations (14 CFR) permits properly equipped USASOC aircraft to conduct low-level operations without complying with en route minimum altitudes for flight under instrument flight rules (IFR) or direction of flight requirements for IFR en route segment in uncontrolled airspace.

Please note that we are amending Condition Nos. 2 and 6. In your original grant of exemption, Condition No. 2 incorrectly cited § 91.127(c). The correct section for operations in class G airspace is § 91.126(d). In addition, we have eliminated the minimum route requirement in Condition No. 6.

The FAA has determined that the justification for the issuance of Exemption No. 7631 remains valid with respect to this exemption.

Having reviewed the reasons for relief from certain sections of 14 CFR, I find that a grant of amendment to your exemption is in the public interest. Therefore, pursuant to the authority contained in 49 U.S.C. § 40109 delegated to me by the Administrator, the United States Army Special Operations Command, 160th Special Operations Aviation Regiment, is granted an exemption from 14 CFR §§ 91.177(a)(2) and 91.179(b)(1) under the conditions and limitations listed herein. Notwithstanding the provisions of this exemption, the pilot of an aircraft engaged in operations authorized herein is not relieved of the responsibility to see-and-avoid other aircraft, and pilots shall maintain appropriate safe altitudes as required by other provisions of the regulations. All conditions and limitations are stated below for clarity:

ATA-03-178-E

1. Operations under this exemption must be conducted at an altitude of at least 250 feet (with terrain following/terrain avoidance (TF/TA) or 500 feet above the highest obstacle (without TF/TA) within 3 nautical miles (nm) of the course to be flown over mountainous and other areas. Rotary-wing aircraft may operate at an altitude of at least 100 feet (with TF/TA) above all obstacles with 3 nm of the course to be flown.
2. Operations in Class G airspace may only be conducted if procedures have been established in an LOA that include the Communications with Control Tower Requirements of § 91.126(d).
3. Operations under this exemption shall be conducted under the procedural requirements of an LOA between the unit originating the route and the ATC facility having jurisdiction over the airspace.
4. Operations may not be conducted until a NOTAM concerning the exempted activity has been in effect at least 6 hours. Such NOTAM shall be issued regardless of the actual or forecast weather conditions along the route segment for which this exemption is exercised and shall include at a minimum:
 - (a) the name of the nearest city or town and the state;
 - (b) the date and time period of the planned activity;
 - (c) the number and type of aircraft expected on the route;
 - (d) the ingress and egress points of the route segment expressed in fix/radial/distance from a very high frequency omnidirectional range (VOR); and
 - (e) the altitudes to be flown.
5. Letters of agreement must include, as a minimum, all of the following:
 - (a) Route definition in geographical coordinates and maximum route width.
 - (b) Route alignment which avoids Class B airspace.
 - (c) Route alignment which minimizes disturbance to persons and property on the ground.
 - (d) Provisions for military aircraft to flight check approved routes to ensure compliance with all provisions.
 - (e) Maximum altitudes for all route segments.

- (f) Radar flight following or position reporting procedures, as appropriate.
 - (g) Provisions for lost communications procedures.
 - (h) Procedures whereby aircraft unable to continue the mission under this exemption can comply with the route and altitude requirements of part 91.
6. The maximum route length authorized under this exemption is 40 nm.
7. Environmental assessments associated with operations conducted under this exemption will be the responsibility of USASOC.

The termination date remains September 30, 2003, unless sooner superseded or rescinded.

Sincerely,

/s/

Sabra W. Kaulia
Program Director for Air Traffic
Airspace Management